

**Carter County Commission  
Regular Session  
October 20, 2014, 6:00 P.M.**

**Chairman, Leon Humphrey called the meeting to order at 6:05 P.M.**

**Roll Call** as follows:

Present: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah S. Grindstaff, Danny R. Ward, Ross Garland, Timothy D. Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert C. Carroll, and Robert Gobble.  
(23 Present)

Absent: Beth Depew (1 Absent)

Quorum Present

**Prayer** was led by **Bruce Hendrich, Pastor of Oak Street Baptist Church.**

**Savannah Agan**, led the **pledge to the American flag**. Ms. Agan was noted as being a Junior 4-H member at Unaka High School. Most recently she was recognized as a member of the fifth place state 4-H Forestry Judging Team. She is actively involved in 4-H Wildlife judging, where her team placed third in State Competition. Savannah is a Tennessee 4-H Honor Club member and she is also active in Public Speaking, Leadership and Citizenship and has competed in the Food Science Project at State Level. Ms. Agan is active in FFA, having served as a local and region officer.

**Recognition of Elected and Appointed Officials/Guest** present stood and were extended an round of applause thanking them for their service.

**Presentation of Plaques** were presented to the following by Chairman Leon Humphrey.

**Keith Hart, UT Extension, County Director**, upon his retirement on October 31, 2014 and in recognition of his of his forty-three (43) years of service.

Robin Allen and Tony Church, accepted on behalf of **Snap-On-Tools** in recognition of Company's 40<sup>th</sup> Anniversary (1974-2014). Snap-On-Tools was noted as being the second largest employer in Carter County.

Both presentations were followed by standing ovations.

**Public Comments** – The following approached the podium and spoke on various issues and subject matters.

John Bland – Issues concerning the building of a new Unaka Middle School on Highway 91.  
Roy Livingston – Money problems in Carter County.

Commissioner Buford Peters requested that Dr. Kevin Ward be recognized. Chairman Humphrey recognized Dr. Ward who approached the podium and spoke in response to issues voiced by Mr. Bland.

William Grant – Voting issues concerning the Budget Committee members vote.

Gary White – Spoke on the subject, “Mr. Wards School” and the building of a new Unaka Middle School. He also voiced issues with the 2014-2015 budget voting process.

Chairman Humphrey closed the Public Comments portion and recognized Commissioner Al Meehan.

Commissioner Meehan rose to the point of order in order to point out and protest the breech of conduct in rules that he found in the minutes that were about to be approved. He requested that he be able to address the Commission because of their fiduciary duty, financial care of the citizens money and assets.

Chairman Humphrey instructed Commissioner Meehan to proceed.

Commissioner Meehan made reference to Tenn. Code Ann. 5-5-109. The code states that a majority of all the members of constituting county legislative body, and not merely a majority of the quorum, shall be required to: Transact all other business coming before the county legislative body in regular or special sessions.

Commissioner Meehan referred to a vote that was taken during the Special Called Session on September 29, 2014. The vote which he spoke of occurred during that meeting in order to cure a problem that was alleged or possibly came out or occurred earlier in the same meeting.

He stated that all eight districts were interrogated to "re-do" their appointments for the Committees.

Commissioner Meehan stressed that the Commission knew the desires of the Second District from the first Commission meeting in September. He stated that apparently when the vote was taken on September 29<sup>th</sup> (of which Meehan was not present due to a previous commitment) that the vote count for the Second District came up to twelve (12) to ten (10).

According to Tenn. Code Ann. 5-5-109, which states that thirteen (13) votes were necessary for the vote to carry according to state law.

Commissioner Meehan continued stating that now it was in the Minutes, that the Commission had placed people and assigned the Committees on a twelve (12) vote bases which is in violation of that law(T.C.A. 5-5-109). "We are sure of that law," Meehan stated.

It was felt that at the final vote, of the twenty (20) to two (2) which was taken at the end of the session on September 29<sup>th</sup> would ratify all the various district appointments.

Commissioner Meehan stated that in his opinion, that would work out for seven out of the eight districts. However, that "legally, it did not work out for one of those eight districts, the Second District."

Chairman Humphrey stated that Commissioner Meehan was absolutely correct, as far as making notations in the minutes. An affirmation was ask for in which twenty (20) members voted to accept what had transpired during the meeting on September 29, 2014.

However since that time, several sub-committee meetings have occurred. Commissioner Hill, of the Second District has participated in those meetings, some of which he has been appointed as an officer.

Chairman Humphrey noted that, in the opinion of the Chair, that action taken will stand. All these activities, per the rules, have to take place in the September meeting.

Commissioner Meehan addressed the Chair once again. He stated that six to eight months "down the line" if the action of this Commission, as a result of that vote, and people working on these Committees, a citizen or citizens action group decides that they want to take litigation against the County, we have in our minutes where we absolutely did a "bad vote."

The Commission needs to be made aware that possibly we are opening up for litigation in the future if someone challenges the actions. Some of the Committees are statutory Committees that these people are functioning on.

Attorney Joshua Hardin addressed this issues upon request of the Chairman.

Attorney Hardin first stated that this was his opinion only. He stated that only a Judge could make the final statement as to if the vote was right or wrong. Once again State Law TCA 5-5-109 was made reference to, part four.

During 2002, the County Commission By-Laws were adopted by the full Commission concerning appointments to the three standing committees. Attorney Hardin stated that in his opinion, that these were not compatible with State Law and that the Commission could not pass items that violates State Law.

He stated also that in his opinion, the final overall confirming the vote, at the end, confirmed the appointments to all committees. That vote made the committee procedures compliant with State law and also the opinion of CTAS attorney. Attorney Hardin stated that in his opinion, what was done was legal and only a Judge could make the final decision.

Chairman Humphrey stated that the Rules and By-Laws Committee were working to making changes.

**Acceptance of Minutes from Previous Meeting – Regular Session September 15, 2014**

**Motion** was made by John Lewis, seconded by Robert Carroll to **accept the minutes of the Regular Session, September 15, 2014, with amended corrections as requested below:**

*A correction be made concerning statements made prior to the five (5) minutes recess.*

*A correction be made correcting a typo on the vote total concerning change of new bank signatures to correctly read 24 Ayes.*

*Correction concerning the motion made to change the procedure of presenting Resolutions.*

By majority vote vote, **motion carried**. Be it noted that “no” votes were voiced by Sonja Culler, Bobbie Gouge-Dietz, and Buford Peters.

**Acceptance of Minutes from Special Called Session – September 29, 2014**

**Motion** was made by Ronnie Trivett, seconded by John Lewis, to **accept the minutes of the Special Called Session, September 29, 2014 as presented.**

Commissioner Al Meehan restated stressing that these minutes are a a public record which shows a an approval vote of twelve, placing someone on committees and some of those committees are effecting statutory committees and boards.

Commissioner Peters requested a roll call vote concerning the above motion.

Commissioner Dietz questioned the reasoning for not voting on the placement of Al Meehan on the Rules & By-Laws; Building and Grounds; Law Enforcement; Health & Welfare; Recreation Committee, Committees B. Commissioner Dietz stated that roll call vote was called for by the Chair concerning all other Committees, but not for this.

Chairman Humphrey stated that the seats were determined by the other votes.

**ROLL CALL VOTE** (to Approve Minutes of the Special Called Session of 9-29-2014) as follows:

**Ayes:** Nancy Brown, Ronnie Trivett, Charles VonCannon, John Lewis, Ray Lyons, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (9 Ayes)

**Nays:** Buford Peters, Willie Campbell, Jerry Proffitt, Mike Hill, Al Meehan, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, Sonja Culler. (14 Nays)

**Absent:** Beth Depew (1 Absent)

By majority roll call vote, **motion failed**.

To clarify the vote on the above motion, Chairman Humphrey ask that another roll call vote be taken.

**(2<sup>nd</sup>) Roll Call Vote: Motion to accept the minutes of the Special Called Session of the Carter County Commission of September 29, 2014, as follows:**

**Ayes:** Nancy Brown, Ronnie Trivett, Charles VonCannon, John Lewis, Ray Lyons, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (9 Ayes)

**Nays:** Buford Peters, Willie Campbell, Jerry Proffitt, Mike Hill, Al Meehan, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, and Sonja Culler. (14 Nays)

**Absent:** Beth Depew (1 Absent)

**OCTOBER TERM 2014**

By majority roll call vote (2<sup>nd</sup> Vote), **motion failed.**

**Notaries/Bonds**

**Motion** was made by Sonja Culler, seconded by Randall Jenkins, to **accept the following Notaries/Bonds as presented.**

|                    |                         |                   |
|--------------------|-------------------------|-------------------|
| David W. Bush      | Janice Eller            | Teddy L. Miller   |
| Marketta G. Peters | Patrick Steve Carpenter | Lindsey Covington |
| Andrew LaPorte     | Lora A. Adkins          | Jennifer Campbell |
| *****              | April White             | *****             |

By majority voice vote, all ayes, **motion carried.**

Questions were asked concerning the vote which failed to approve the minutes of the September 29,<sup>th</sup> 2014, Special Called Session.

Attorney Joshua Hardin replied, "They're null and void there's no recorded minutes of what happened at that meeting, which is illegal, obviously, "If the body does not approve those minutes, it would be if as the meeting never occurred.

Chairman Humphrey at this time opened the floor for discussion concerning the Special Called Session minutes which was previously not accepted.

Several spoke stating that the minutes did reflect what occurred during the Special Called Session which took place as stated. Chairman Humphrey stated that the meeting had been called to try to remedy alleged violations, in the event legal action was initiated concerning that meeting.

Attorney Hardin reaffirmed that if the minutes were not accepted, it was if the meeting never occurred.

Commissioner Hill of the 2<sup>nd</sup> District stated that numerous meetings have occurred since that meeting. Important decisions have been by these Committees. He ask that it be made a matter of record, that there was a vote of twelve (12) to ten (10) to confirm rather than thirteen (13).

Chairman Humphrey stressed that according to the County Attorney, the minutes in question still needed to be approved. This needed to be done in order to be validate that the meeting did occur and that there was open consideration, discussion among each of the Commissioners as individuals.

**Motion** was made by Mike Hill, seconded by Timothy Holdren to **take another re-count vote concerning the acceptance of the minutes of the Special Called Session, September 29, 2014, as presented.**

Discussion followed with several voicing concerns about the Special Called meeting of should litigation occur.

Commissioner Buford Peters asked Mr. Meehan, "Is this alright with you?" Mr. Meehan responded by stating, "My concern was not to move anyone off the current committees but, if something should come up down the line, because of what's in these minutes."

Commissioner Meehan continued by stating that if he were to be voted on the Rules and By-Laws committee, he would be "happy as it now stands."

**A roll call vote (third vote) was requested by Chairman Humphrey at this time to accept the minutes of the September 29, 2014, Special Called Session as presented.**

Roll Call Vote (third vote) as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy

Holdren, Larry Miller, John Lewis, Ray Lyons, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (19 Ayes)

**OCTOBER TERM 2014**

Nays: Bobbie Gouge-Dietz, Randall Jenkins, and Sonja Culler. (3 Nays)

Passing: Al Meehan (1 Passing)

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Willie Campbell, to place Al Meehan on the Rules & By-Laws, Building & Grounds, Law Enforcement, Health & Welfare, Recreation Committees. Request was also made to make this a part of the minutes.

Chairman Humphrey stated that Mr. Meehan was on these committees by default. Therefore this motion was not in order. **Motion was withdrawn.**

**Audit Committee Annual Report-David Wortman**

A brief report was presented concerning the findings of the Auditor's Results for the Year Ending June 30, 2013. A copy of the Audit is on file and available for viewing upon request.

**RESOLUTIONS**

**A. Resolution to Retire K-9 Deputy Diesel from Service**

County Attorney Joshua Hardin presented the above mentioned Resolution for consideration.

**RESOLUTION No. 613**

**Motion** was made by Ronnie Trivett, seconded by Willie Campbell to forgo the reading of the Resolution and accept as presented, "A RESOLUTION TO RETIRE DEPUTY DIESEL, A K-9 DOG, FROM ACTIVE SERVICE WITH THE CARTER COUNTY, TENNESSEE SHERIFF'S OFFICE AND PLACE HIM IN THE CARE OF HIS HANDLER."  
Recorded on pages 548 - 549.

Chairman Humphrey called for a Voice Vote.

By majority voice vote, all ayes, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Willie Campbell, to enter into a five(5) minutes recess.

By majority voice vote, all ayes **motion carried.** Chairman Humphrey recessed the meeting.

Following the recess, meeting was called **back to order** by Chairman Humphrey.

Discussion followed concerning the reading and presentation of Resolutions. Chairman Humphrey noted that this Resolution, concerning **the retirement of Deputy K-9 Officer Diesel**, that information at hand, would not require a second reading. However, this **Resolution does require a voice roll call vote which was called for by the Chair.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**RESOLUTION**

**B. Resolution approving the Forensic Services Agreement (a four (4) year agreement)** was presented by County Attorney Joshua Hardin for consideration.

**OCTOBER TERM 2014**

Chairman Humphrey noted that due to the time sensitive matter of this Resolution, two readings would not be feasible.

**Motion** was made by Ronnie Trivett, seconded by Mike Hill, to **waive the reading** of the above mentioned Resolution, **and accept as presented approving the Forensic Service Agreement.**

By majority voice vote, all ayes, **motion carried.**

### **RESOLUTUION No. 614**

**Motion** was made by Danny Ward, seconded by Mike Hill, to **approve as presented, "A RESOLUTION APPROVING the FORENSIC SERVICES AGREEMENT BETWEENN EAST TENNESSEE STATE UNIVERSITY AND CARTER COUNTY, TENNESSEE."**  
Recorded on pages 550 - 557.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0) Nays

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

### **RESOLUTUION**

#### **C. IRC, IBC, IPMC Adoption**

Chris Scheuttler, Planning Director, informed the Chair that in order for the above Resolution to be approved, a Public Hearing was required. No notice of a Public Hearing was published. In respect to the new members of the Planning Commission, Mr. Scheuttler requested that this Resolution be referred back to the Planning Commission until further notice.

**Motion** was made by Sonja Culler, seconded by Randall Jenkins to **referred the IRC, IBC, IPMC Adoption Resolution back to the Planning Commission until further notice, upon recommendation from Planning Director, Chris Schuettler.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0) Nays

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

### **Committee Reports/Recommendations**

**Clerk's Note:** *Let the record reflect that an (\*) indicates that the Disclaimer for Employees of Carter County, Tennessee was voiced by the Commissioner concerning the vote.*

### **Budget Committee**

Sonja Culler, Budget Committee Chair, presented the following recommendations for approval.

**Motion** was made by Sonja Culler, seconded by Willie Campbell to **accept the September 2014 donations totaling \$289.00 to the Animal Shelter.** Recorded on page 547.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie

Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0) Nays

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

**Motion** was made by Sonja Culler, seconded by Isaiah Grindstaff, to approve General Fund 101 Amendment # 4 with 9 items for a total of \$11,992.37 with \$4,485.00 coming from Fund Balance. The amount from Fund Balance is to increase the amount paid to the Coroner per call to \$100 with no mileage. Also, to set up appropriate benefit line items to process the payments through payroll as directed by IRS. Recorded on pages 558.

Roll call vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0) Nays

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

**Motion** was made by Willie Campbell, seconded by Bobbie Gouge-Dietz, to approve General Purpose School Fund 141 Amendment # 2 with 3 items for a total of \$77,305.63 with \$59,304.00 coming from General Purpose School Fund Balance. The amount coming from the GPS Fund Balance is to cover cost of fencing upgrades at the high schools. Recorded on page 559.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L. C. Tester, (\*)Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (22 Ayes)

Nays: None (0) Nays

Passing: (\*)Sonja Culler (1 Passing)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Sonja Culler, seconded by Danny Ward, to approve the transfer of up to \$6,900 from the Litigation Tax Reserve for Jail, Workhouse, and Courthouse to the Building and Grounds Budget to purchase the acoustic ceiling tiles for the Annex. The Sheriff's Department has offered to provide inmate labor for the installation.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0) Nays

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

Chairman Humphrey noted that the following requested item had not first been brought before the Budget Committee by Highway Superintendent, Roger Colbaugh. However it was a time sensitive request.

Motion was made by L.C. Tester, seconded by John Lewis to **approve a request from Highway Superintendent, Roger Colbaugh allowing him, as Highway Superintendent, to enter into a contract with Kingsport Imaging Systems Inc., a sixty (60) month term at a cost of \$57.69 per month for a copier. No new money.**

Roll Call Vote as follows:

Ayes: Buford Peters, (\*)Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0) Nays

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion carried.**

Upon request from Sandra Thompson, Director of the Office of State and Local Finance, State of Tennessee Comptroller of the Treasury, a letter was read by Chairman Humphrey and placed into the minutes of today's meeting.

**Letter acknowledging receipt of a certified copy of the 2015 fiscal year budget. Recorded on pages 566-567.**

#### Nominating Committee

Nominating Committee Chairman Ronnie Trivett approached the podium and present recommendations that were made during the October 13, 2014 committee meeting.

Upon recommendation from Sheriff Dexter Lunceford and the Nominating Committee the **Jail Information/Research Committee was dissolved.** (\*Clerk's note- Roll call vote for this item taken later during the meeting.)

**Motion** was made by Ronnie Trivett, (clerk's note- motion did not receive a second) and upon **Recommendation from the Nominating Committee, to accept the appointments of Danny Ward and Scott Simerly to the Carter County Tomorrow Board.**

Sonja Culler, once again voiced protest to these appointments by stating that she did not believe her current term had expired.

County Attorney Joshua Hardin responded stating that the term of Sonja Culler had expired at the end of August 2014, which was the end of the current term as an elected Commissioner.

Following discussion, Chairman Humphrey ask for a **Roll Call Vote**, to clarify any questions concerning the nominations. Members of the Commission were ask to respond with the two(2) names they wished to place on the **CCT Board** to represent the Commission on the Board. Those choices being Danny Ward, Scott Simerly, and Sonja Culler.

Roll Call Vote as follows:

Voting for Ward: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (22 Votes)

Voting for Simerly: Jerry Proffitt, Nancy Brown, Ronnie Trivett, Charles VonCannon,



Timothy Holdren, Larry Miller, John Lewis, Ray Lyons, Scott Simerly, Robert Carroll, and Robert Gobble. (11 Votes)

Voting for Culler: Buford Peters, Willie Campbell, Mike Hill, Al Meehan, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Bobbie Gouge-Dietz, Randall Jenkins, Ray Lyons, Sonja Culler, and Cody McQueen. (14 Votes)

Absent: Beth Depew (1 Absent)

**Appointed to the Carter County Tomorrow Board (a four year term) and receiving the majority vote are: Danny Ward, receiving twenty-two (22) votes and Sonja Culler who received fourteen (14) votes.**

**Motion** was made by Ronnie Trivett, seconded by Robert Gobble to accept and confirm the appointments to the Civil Service Board: Jim Whaley, John D. Snyder and Brad Johnson.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made Ronnie Trivett, seconded by Nancy Brown and upon recommendation from Sheriff Dexter Lunceford, to dissolve the Jail Information/Research Committee.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by John Lewis, and upon recommendation from Sheriff Dexter Lunceford, to accept the following to serve on the Work Release Board: Roger Deal, Russell Kyte, and Joe Lunceford. Alternates (unpaid) : Robbie Fritts and Rocky Croy.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Sonja Culler to accept the following to serve on the Beer Board: Al Meehan, Jerry Proffitt, Nancy Brown, Beth Depew, Bobbie Gouge-

**Dietz, and Randal Jenkins.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Isaiah Grindstaff, to **accept the following to serve on Financial Management: Charles VonCannon, Danny Ward, Bobbie Gouge-Dietz, and Ray Lyons.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Bobbie Gouge-Dietz, to **accept the following to serve on the Carter County Board of Health: Tim Holdren.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Willie Campbell to **accept the following to serve on the Planning Commission: Steve Pierce, Ralph Watson, Jerry Pearman, Jerry Smith, Mary Ann Patton, Jamie Hughes, Ken Arney, Randall Jenkins, Ray Lyons, Sonja Culler, and Robert Carroll.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Mike Hill, Al Meehan, Ronnie Trivett, L. C. Tester, Ross Garland, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, and Sonja Culler. (13 Ayes)

Nays: Nancy Brown, Charles VonCannon, Isaiah Grindstaff, Danny Ward, Timothy Holdren, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (9 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett seconded by Sonja Culler to accept the following to serve on the **Board of Zoning Appeals**: Jeff Treadway, Brad Johnson, Curtis Cannon, L.C. Tester, and David Sandora.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Robert Gobble, seconded by John Lewis to accept the following to serve on the **Records Commission**: Ronnie Trivett, and Cody McQueen.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Robert Carroll, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Passing: Cody McQueen (1 Passing)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Danny Ward to accept the following to serve on the **Agriculture Commission**: Ross Garland and Charles VonCannon.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Isaiah Grindstaff, to accept the following to serve on the **Carter County Emergency/911**: Dexter Lunceford and Gary Smith.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Cody McQueen to accept the following to the **East Tennessee Railroad Authority: Charles VonCannon.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Nancy Brown, to accept the following to the **Animal Shelter Advisory Board: Cody McQueen.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Robert Carroll, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Passing: Cody McQueen (1 Passing)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Nancy Brown, to **dissolve the Health and Education Facilities Board.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by Ronnie Trivett, seconded by Al Meehan, to **dissolve the Animal Control Board.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Jerry Proffitt, Nancy Brown, Mike Hill, Al Meehan, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Sonja Culler, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

#### Education Committee

Chairman Charles VonCannon presented the Education Committee Report.

Tennessee Promise was noted as being one of the Drive to Fifty-five initiatives which promises a scholarship program which begins with the high school senior class of 2015. Scholarships were noted as being allowed to further educational opportunities.

Dr. Kevin Ward, Carter County Director of Schools, presented updated information concerning and addressing the needs of Carter County Students. Dr. Ward stated that he, along with the Carter County Board of Education, felt that it was necessary to look at the best use of tax dollars at this time, which was to benefit the children of Carter County.

He noted that the Carter County Board of Education and himself, felt that there's a better option that can be put on the table instead of purchasing plans for a Unaka Middle School and putting those plans "on a shelf."

Dr. Ward stated that he, along with the Board of Education, has agreed that they will not be approaching the funding body in the 2015-2016 budget year in seeking or looking to things, in regards to the approval to build a Unaka Middle School.

Instead, Dr. Ward stated, that himself, and the Board, would prefer to take the extra time needed to communicate and create a productive dialogue with the Commission, with the Budget Committee, and the Board of Education. This would allow time to answer any and all questions concerning these issues, and concerning the many modular units now being used in the system. Time would be used to discuss the short and long term strategies of the Carter County Board of Education.

The goal, as noted by Dr. Ward, and the Carter County Board of Education, is to look at the best use of our taxpayers dollars benefiting our children of Carter County.

Dr. Ward presented a rough draft (recorded on page 562) noting two options concerning the use of funds recently presented to the Carter County Board of Education. Options included paying off of current school debts. This would be cost savings of debt interest to the taxpayers of Carter County.

Meetings were requested with the Budget Committee to further discuss the best the options.

#### Landfill Committee

Chairman, Bobbie Gouge-Dietz stated that no recommendations were made at the last meeting. Minutes on file and available for viewing upon request.

#### Highway Committee

Chairman, Mike Hill stated that the October 14, 2014 meeting was an organizational meeting. Highway committee are researching paving and speed limit issues.

#### Rules and By-Laws Committee

Chairman, Randall Jenkins stated that the meeting was also an organizational meeting in which officers for the 2014-2015 year were elected.

#### Building and Grounds Committee

Ray Lyons, Committee Chairman, stated that officers were elected. He stated that the Committee toured the Jail of which pictures were available for viewing. The Carter County Health Department would be visited by the Committee soon. Parking lot issues at the jail were discussed.

#### Law Enforcement Committee

Isaiah Grindstaff, Committee Chairman, reported that officers had been elected during this organizational meeting.

### Health and Welfare Committee

Timothy Holdren, Committee Chairman reported that officers had been elected during the organizational meeting. Meeting for November was set for November 13, 2014 at 6:00 PM.

### Utilities Committee

Sonja Culler stated that information had been received by herself concerning a Cable franchise issue needing to be addressed.

### County Attorney's Report – Joshua Hardin Items discussed included the following:

Litigation – No new update on pending litigation with the exemption of the Crowell case.

Research – Committee Appointments, Highway Department Issues, Committee Meetings, Register of Deeds issues researched. Title researched concerning sale of excess county property.

Resolutions – K-9 Deputy Retirement from Duty, Forensic Services Agreement.

### Monthly Meeting Schedule

**Motion** was made by John Lewis, seconded by Nancy Brown, to have twelve (12) meetings at 6:00 at night.

The motion was restated by Chairman Humphrey, stating that a motion was made by Mr. Lewis to amend the times of our current alternating schedule, to all night meetings at 6:00 P.M., and was seconded by Ms. Brown.

During discussion Commissioner Lewis stated that the reasoning for the motion was due to the working peoples schedule. Attorney Hardin stated that current state law T.C.A. 5-5-104 requires a Resolution to be approved and that only four meeting were required during a year. The time and dates of these meetings are at the discretion of the Commission.

John Lewis then amended the foregoing motion stating that County Attorney Joshua Hardin be instructed to prepare and present a Resolution requesting night meetings only. Resolution to be presented for final approval during the next months meeting setting the schedule, going forward, to 6:00 PM meetings each month. Commissioner Nancy Brown agreed to the amendment as stated.

Roll Call Vote as follows:

Ayes: Nancy Brown, Mike Hill, Ronnie Trivett, Charles VonCannon, L.C. Tester, Isaiah Grindstaff, Danny Ward, Ross Garland, Timothy Holdren, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (17 Ayes)

Nays: Buford Peters, Willie Campbell, Jerry Proffitt, Al Meehan, Bobbie Gouge-Dietz, and Sonja Culler. (6 Nays)

Absent: Beth Depew (1 Absent)

By majority roll call vote, **motion carried.**

**Motion** was made by John Lewis, seconded by Nancy Brown to schedule next month's meeting, November 17, 2014 at 6:00 PM.

During discussion it was noted that the Resolution had not yet been approved, therefore the above **motion was withdrawn.** Chairman Humphrey therefore announced that the November meeting would be held at 9:00 AM.

### Commissioner Comments

Buford Peters spoke concerning his vote on the 2014-2015 budget.

Danny Ward extended this thank-you to the Carter County Rescue Squad for support the Commission. Mr. Ward also thanked fellow Commissioner Mike Hill his support to the Cloudland High School Band. An electronic roll call system at no cost, was noted as needed additional research.

Mike Hill spoke in regards to the recent fund raising for the Cloudland High School Band. He extended thanks to the many band parents and newly elected school board members, along with Dr. Ward that helped during this event.

L.C. Tester commented in regards to the actions that occurred concerning 2014-2015 Budget vote.

Ronnie Trivett spoke concerning the time frame and the budget voting process.

Sonja Culler spoke in regards to recording secretaries for the various committees.

**Motion** was made by Nancy Brown, seconded by John Lewis to have CTAS come and do a study of **Carter County Commissions budget process and make recommendations**. It was noted by Mrs. Brown that this request had first been brought before the Budget Committee but failed to pass approval.

Roll Call Vote as follows:

Ayes: Jerry Proffitt, Nancy Brown, Ronnie Trivett, Charles VonCannon, Larry Miller, John Lewis, Cody McQueen, Robert Carroll, and Robert Gobble. (9 Ayes)

Nays: Buford Peters, Willie Campbell, Mike Hill, Al Meehan, L.C. Tester, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Ray Lyons, Sonja Culler, and Scott Simerly. (13 Nays)

Passing: Isaiah Grindstaff (1 Passing)

Absent: Beth Depew (1 Absent)

By majority roll call vote **motion failed**.

**Gary Smith, the new Emergency Management Director** stood and was introduced to the Commission by Chairman Humphrey.

**Cater County Expenditure Budget Report for the Month of September 2014** was provided to Commissioner by Ingrid Deloach, Financial Director. Included in the report were the Account Numbers, Account Description, Budget Amounts, Budget Amendments, and Amended Budget, Month-to-day expenditures, Outstanding Encumbrances, and Unencumbered Balances.

**Motion to adjourn** was made by Sonja Culler, seconded by Mike Hill. By majority voice vote, all ayes, **motion carried**. Meeting adjourned at 10:00 PM.

---

**September 2014 Donations**

|   |                  |
|---|------------------|
| Animal Shelter Donation-Lawrence Pierce   | 25.00            |
| Animal Shelter Donation-Teresa Lowe       | 5.00             |
| Animal Shelter Donation- Clay Kyte        | 20.00            |
| Animal Shelter Donation- Ana Shankle      | 20.00            |
| Animal Shelter Donation- Juanita Graham   | 20.00            |
| Animal Shelter Donation- Tracey Harris    | 5.00             |
| Animal Shelter Donation- Alison Ryan      | 20.00            |
| Animal Shelter Donation- Karen Snowden    | 50.00            |
| Animal Shelter Donation- Ashley Sommers   | 40.00            |
| Animal Shelter Donation- Joyce Thompson   | 14.00            |
| Animal Shelter Donation- Sharon Whitehead | 20.00            |
| Animal Shelter Donation- Kenny Andrews    | 25.00            |
| Animal Shelter Donation- Leigh Mekeehan   | 25.00            |
|   | <u>\$ 289.00</u> |

**OCTOBER TERM 2014**

BEFORE THE COUNTY COMMISSION  
OF CARTER COUNTY, TENNESSEE  
REGULAR MEETING, MONDAY, OCTOBER 20, 2014

RESOLUTION NO. 613

"A RESOLUTION TO RETIRE DEPUTY DIESEL, A K-9 SERVICE DOG, FROM ACTIVE SERVICE WITH THE CARTER COUNTY, TENNESSEE SHERIFF'S OFFICE AND PLACE HIM IN THE CARE OF HIS HANDLER"

WHEREAS, Deputy Diesel is a K-9 service dog with the Carter County, Tennessee Sheriff's Office; and

WHEREAS, Deputy Diesel was placed in service beginning in May of 2007 with the Carter County, Tennessee Sheriff's Office; and

WHEREAS, Deputy Diesel was originally donated by Mrs. Glenda Wilson and her late husband David Wilson to the Carter County, Tennessee Sheriff's Office; and

WHEREAS, Deputy Diesel has served with distinction as a member of the Carter County Sheriff's Office for over seven (7) years; and

WHEREAS, Deputy Dave Ryan is the handler for Deputy Diesel; and

WHEREAS, Deputy Diesel is to be retired from duty with the Carter County, Tennessee Sheriff's Office due to Arthritis in his hips and joints and deterioration of his overall health affecting his service ability; and

WHEREAS, the Carter County, Tennessee Sheriff's Office recommends that Deputy Diesel be retired and placed in the care, custody, and control of Carter County Sheriff's Deputy Dave Ryan; and

WHEREAS, by accepting Deputy Diesel from the county, Deputy Dave Ryan agrees that he will assume all financial responsibility for the dog including costs for food, shelter and veterinary care, and he further accepts any and all liability associated with the dog and agrees to indemnify and hold harmless Carter County from any such liability; and

WHEREAS, Deputy Dave Ryan agrees and acknowledges that he will not work Deputy Diesel in any capacity once Deputy Diesel has been retired from duty with the Sheriff's Office, he is prohibited from selling Deputy Diesel, and he will treat Deputy Diesel humanely for the remainder of his life.

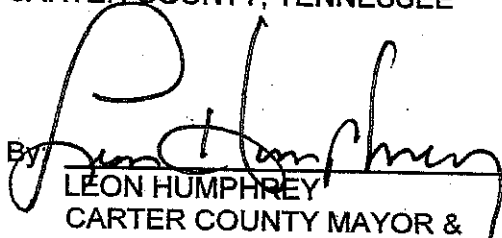
NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 20<sup>th</sup> day of October, 2014, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative that upon the retirement of Deputy Diesel the County Legislative Body hereby vests the care, control, and ownership of Deputy Diesel with his handler, Carter County Sheriff's Deputy Dave Ryan, and this action represents the best interest of Deputy Diesel and is done to further ensure the humane treatment of Deputy Diesel for the remainder of his life.

BE IT FURTHER RESOLVED, this Resolution in its entirety shall be effective from and after its adoption, the welfare of the county demanding.

Adopted this 20th day of October, 2014.

CARTER COUNTY, TENNESSEE

APPROVED:

By   
LEON HUMPHREY  
CARTER COUNTY MAYOR &  
CARTER COUNTY COMMISSION CHAIRMAN

OCTOBER TERM 2014



ATTEST:

Mary Gouge  
MARY GOUGE  
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Joshua A. Hardin  
JOSHUA A. HARDIN  
CARTER COUNTY ATTORNEY

U:\Carter County - Attorney\Resolutions\Resolution - K-9 Retirement\Resolution - K-9 Diesel Retirement.docx

OCTOBER TERM 2014

BEFORE THE COUNTY COMMISSION  
OF CARTER COUNTY, TENNESSEE  
REGULAR MEETING, MONDAY, OCTOBER 20, 2014

RESOLUTION NO. 614

"A RESOLUTION APPROVING THE FORENSIC SERVICES AGREEMENT BETWEEN EAST TENNESSEE STATE UNIVERSITY AND CARTER COUNTY, TENNESSEE."

WHEREAS, the Post-Mortem Examination Act is codified at Tenn. Code Ann. § 38-7-101 et seq., and describes the requirements and procedures for death investigations and autopsies within the State of Tennessee; and

WHEREAS, recent amendments to said Act have implemented stringent new requirements which will ultimately result in a significant increase in the number of death investigations and autopsies that must be conducted throughout the state; and

WHEREAS, the Quillen College of Medicine, Division of Forensic Pathology, through operation of the William L. Jenkins Forensic Center located on the campus of East Tennessee State University (ETSU) in Johnson City, Tennessee, can provide the necessary facilities, training, personnel and consulting services to ensure that Carter County complies with all provisions of state law regarding death investigations; and

WHEREAS, ETSU has entered into, or will enter into, agreements with each of the counties within the First Tennessee Development District to provide forensic services as required by state law at a per capita rate for each individual county; and

WHEREAS, the Agreement between ETSU and Carter County, Tennessee is attached hereto and requires approval and authorization from the Carter County Commission to allow the Mayor to execute said Agreement on behalf of Carter County; and

WHEREAS, the County Commission of Carter County, Tennessee feels that it is in the best interest of the citizens of Carter County to approve said Agreement and authorize the Mayor to execute said Agreement so as to ensure Carter County remains in compliance with state law regarding the investigation of deaths occurring within the county.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 20<sup>th</sup> day of October, 2014, with a lawful quorum of said Commission being present and with a majority voting in the affirmative that the Commission hereby adopts this Resolution approving the Forensic Services Agreement between ETSU and Carter County, Tennessee.

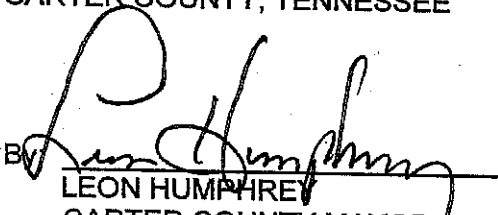
BE IT FURTHER RESOLVED, that the Mayor of Carter County is hereby authorized and directed to execute said Forensic Services Agreement on behalf of Carter County, Tennessee.

BE IT FURTHER RESOLVED, this Resolution in its entirety shall be effective from and after its adoption, the welfare of the county demanding.

Adopted this 20th day of October, 2014.

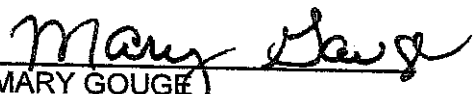
CARTER COUNTY, TENNESSEE

APPROVED:


BY   
LEON HUMPHREY  
CARTER COUNTY MAYOR &  
CARTER COUNTY COMMISSION CHAIRMAN

OCTOBER TERM 2014

ATTEST:

  
MARY GOUGE  
CARTER COUNTY CLERK

APPROVED AS TO FORM:

  
JOSHUA A. HARDIN  
CARTER COUNTY ATTORNEY

## AGREEMENT

Between

East Tennessee State University

And

Carter County, Tennessee

This Agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_, 2014, by and between Carter County ("County") and East Tennessee State University, a state-owned university, on behalf of its Quillen College of Medicine, Division of Forensic Pathology), operating as the William L. Jenkins Forensic Center ("ETSU").

### I. SCOPE OF SERVICES:

1. ETSU shall, within 90 days of contract execution:
  - i. Provide consulting services to county medical examiner, medical investigators, and county coroner(s) 365 days per year, 7 days per week, 24 hours per day, in order to determine medical examiner jurisdiction and recommend case disposition based on the guidelines of death investigation set forth by the National Institute of Justice.
  - ii. Maintain National Association of Medical Examiners ("NAME") Accreditation.
  - iii. Conduct death investigations in accordance with Tennessee statutes, rules, guidelines, policies, and procedures.
  - iv. Dispatch a medical investigator employed by ETSU to select death scenes (i.e. homicides, infant/child deaths, and unusual circumstances) upon request.
  - v. Provide all building maintenance necessary for the William L. Jenkins Forensic Center ("WLJFC").
  - vi. Provide information technology support to WLJFC.
  - vii. Provide initial and continuing forensic training to county medical investigators, county coroner(s), and county medical examiners.

OCTOBER TERM 2014

- viii. Provide quarterly reports to County Mayor's Office documenting use of service, quality of death investigation, and areas of improvement when necessary to meet standards of death investigations in accordance with Tennessee statutes, rules, guidelines, policy, and procedures in order to establish transparency and prevent malfeasance.
2. County shall, within 90 days of contract execution:
- i. Notify ETSU, verbally and in writing, of anticipated changes in current on-scene medical investigator and or county coroner personnel.
  - ii. Notify county medical investigators, county coroner(s), and county medical examiner that all cases reported to the medical examiner's office may be discussed with ETSU staff while county officials are present at the death scene, or as soon as practical when communication is limited by geography, to ensure quality, uniform death investigation and protect evidence against contamination and loss. ETSU will make qualified recommendations for case disposition to be considered at the discretion of County Medical Examiner.
  - iii. Ensure that county medical investigators and/or county coroner(s) meet the qualifications as set out in Tenn. Code Ann. § 38-7-104 and WLJFC standard operating procedures.
  - iv. Maintain the capacity to conduct death investigations 365 days a year, 7 days a week, 24 hours a day in accordance with the requirements of Tenn. Code Ann. § 38-7-101 - 38-7-119 and WLJFC standard operating procedures.
  - v. Ensure death investigations are conducted in accordance with Tennessee statutes, rules, guidelines, policy, and procedures by review of quarterly report produced by ETSU.
  - vi. Provide/maintain body transportation services that have capacity to respond to death scenes in a timely manner and transport the body directly from the scene to the forensic center when an autopsy is ordered.
  - vii. Replenish disposable items for the field medical investigators such as evidence bags, body bags, identification tags with chain of custody documentation, and personal protective equipment.
  - viii. Ensure that the on-scene medical investigators have access to a computer and a digital camera.
  - ix. Ensure that the on-scene medical investigators have the capacity to call the forensic center while at the scene and/or establish alternative communication if remote region prohibits cell or land line use (i.e. dispatch).

- x. Ensure that on-scene medical investigators respond to scenes in a timely manner (generally within 30 minutes of notification of death).

## II. CONTRACT TERM AND TERMINATION:

1. This Agreement is for a period of four years commencing on \_\_\_\_\_ and expiring on \_\_\_\_\_. Parties shall commence performance of execution of this Agreement on or before October 1, 2014
2. This agreement may be immediately terminated by any party upon the occurrence of the following events:
  - i. A court of competent jurisdiction determines that the Agreement violates any law or regulation; or
  - ii. The loss or suspension of any license, accreditation or authorization that is required in order for a party to perform its obligations under this Agreement.
3. Notwithstanding any other provision in this agreement, this Agreement may be terminated by a party without cause upon 180 days written notice.
4. ETSU may immediately terminate the Agreement if County fails to perform its obligations under this agreement in a timely or proper manner. Notwithstanding the foregoing provision, County shall not be relieved of liability to ETSU for damages sustained by virtue of any breach of this agreement.

## III. PAYMENT TERMS AND CONDITIONS:

1. Maximum Liability. The payment rates in Section III.2 shall constitute the entire compensation due ETSU. The payment rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by ETSU.

The maximum liability represents available funds for payment to ETSU and does not guarantee payment of any such funds to ETSU under this Agreement unless ETSU performs said work outlined in Section I.1. of this Agreement. Upon performance in accordance with Section I.1, ETSU shall be paid in accordance with the payment rates detailed in Section III.2.

2. Payment Methodology. ETSU shall be compensated based on the payment rates herein for services provided.

OCTOBER TERM 2014

- i. ETSU's compensation shall be contingent upon the satisfactory completion of service defined in section I.1.
- ii. ETSU shall be compensated for service based upon the following payment rates:

Carter County – 57,355  
Source: U.S. Census Bureau, Population Estimates 2012

| Service Description                           | Amount<br>(per compensable increment) |
|---|---------------------------------------|
| Autopsy/Consulting Year 1 (\$1.55 per capita) | \$7,408.35 per Month                  |
| Building Debt Payment Year 1                  | \$337.92 per Month                    |
| <b>Year 1 Total</b>                           | <b>\$7,746.27 per Month</b>           |
| Autopsy/Consulting Year 2 (\$1.94 per capita) | \$9,272.39 per Month                  |
| Building Debt Payment Year 2                  | \$337.92 per Month                    |
| <b>Year 2 Total</b>                           | <b>\$9,610.31 per Month</b>           |
| Autopsy/Consulting Year 3 (\$1.89 per capita) | \$9,033.41 per Month                  |
| Building Debt Payment Year 3                  | \$337.92 per Month                    |
| <b>Year 3 Total</b>                           | <b>\$9,371.33 per Month</b>           |
| Autopsy/Consulting Year 4 (\$1.91 per capita) | \$9,129.00 per Month                  |
| Building Debt Payment Year 4                  | \$337.92 per Month                    |
| <b>Year 4 Total</b>                           | <b>\$9,466.92 per Month</b>           |

\*Per capita rates will use 2012 County Population Estimates by the US Census Bureau throughout the duration of the agreement.

\*\*Year 4 includes 1% inflation increase.

\*\*\*All numbers rounded to the nearest hundredth.

OCTOBER TERM 2014

IV. GENERAL PROVISIONS:

1. Modification and Amendment. This Agreement may be modified only by a written amendment executed and approved by all parties hereto in accordance with applicable Tennessee laws and regulations.
2. Prohibition of Joint Venture. The parties shall not engage in a joint venture with each other as a result of this agreement. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Agreement shall be construed to create an employer/employee relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services.
3. Legal Compliance. The parties hereto agree to act in compliance in all material respects with all applicable federal, state and local laws, including applicable regulations, administrative orders, which shall specifically include: 42 U.S.C. § 1395mm (the "Stark Law"), 31 U.S.C. § 3729 (the "False Claims Act"), and regulations promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996, 45 C.F.R. §§ 164.500 – 164.534 ("HIPAA"), or any similar provision relating to kickbacks, illegal referrals, illegal billings, privacy, and applicable regulations relating to health care, the health care industry, the provision of health care services, third-party reimbursements and public health and safety.
4. Liability. Each party shall be solely liable for payment of its portion of all claims, liability, costs, expenses, demands, settlements, or judgments resulting from negligence, actions or omissions of itself or those for whom it is legally responsible relating to or arising under this Agreement. Any and all monetary claims against the State of Tennessee, its officers, agents, and employees in performing any responsibility specifically required under the terms of this Agreement shall be submitted to the Tennessee Claims Commission and liability shall be limited in accordance with the provisions of Tennessee law.
5. Cooperation. Each party agrees to cooperate with and assist each other Party with any complaints or investigations arising out of or in connection with the services provided under this Agreement. Nothing in this Agreement shall be construed to prevent any employee of a party from testifying at an administrative hearing, deposition or in court in response to a lawful subpoena.
6. Nondiscrimination. Parties shall comply with federal and state laws prohibiting discrimination against individuals because of race, creed, color, sex, religion, age, national origin, disability or veteran status.



7. Notices. Any notice required or permitted to be given hereunder may be given by personal delivery or by registered or certified mail, and if given by mail, shall be deemed sufficiently given when deposited in the United States Mail, proper postage prepaid, registered or certified, return receipt requested, and addressed as follows:

Carter County:

Carter County Mayor's Office  
801 East Elk Avenue  
Suite 201  
Elizabethton, TN 37643

ETSU:

East Tennessee State University  
Quillen College of Medicine  
Finance and Administration  
PO Box 70420  
Johnson City, TN 37614-0569  
ATTN: Mr. Greg Wilgocki, Executive Associate Dean/Finance  
and Administration

8. Governing Law. This Agreement shall be interpreted in accordance with the laws of the State of Tennessee.

In consideration of the terms and conditions above, the undersigned execute this Agreement for the purpose of binding the Parties to the Provisions of the Agreement.

East Tennessee State University

Carter County, Tennessee

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dr. John B. Schweitzer  
Chair, Department of Pathology

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Carter County Mayor

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dr. Robert T. Means, Jr.  
Dean, College of Medicine

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dr. Wilsie S. Bishop  
Vice President, Division for Health Affairs

OCTOBER TERM 2014

**Carter County**  
**General Fund 101**  
**Budget Amendment #4**  
**20-Oct-14**

|          |                                     |             |          |
|----------|-------------------------------------|-------------|----------|
| Item # 1 | 54610-199 Other Per Diem & Fees     | \$ 5,200.00 | Increase |
|          | 54610-201 Social Security           | \$ 560.00   | Increase |
|          | 54610-210 Unemployment Compensation | \$ 90.00    | Increase |
|          | 54610-212 Employer Medicare         | \$ 135.00   | Increase |
|          | 54610-355 Travel                    | \$ 1,500.00 | Decrease |
|          | 39000 Undesignated Fund Balance     | \$ 4,485.00 | Decrease |

Reallocate funds within budget for Coroner's payroll benefits.

---

|         |                                     |             |          |
|---------|-------------------------------------|-------------|----------|
| Item #2 | 51800-415 Electricity               | \$ 2,000.00 | Decrease |
|         | 51800-399 Other Contracted Services | \$ 2,000.00 | Increase |

Reallocate funds within budget for upgraded email system.

---

|         |                          |           |          |
|---------|--------------------------|-----------|----------|
| Item #3 | 51800-415 Electricity    | \$ 600.00 | Decrease |
|         | 51300-307 Communications | \$ 600.00 | Increase |

Reallocate funds from B & G Budget to Mayor's Budget for Mayor's cell phone expense.

---

|         |                            |           |          |
|---------|----------------------------|-----------|----------|
| Item #4 | 51800-415 Electricity      | \$ 500.00 | Decrease |
|         | 51300-719 Office Equipment | \$ 500.00 | Increase |

Reallocate funds from B & G Budget to Mayor's Budget for purchase of Office Equipment.

---

|         |                          |           |          |
|---------|--------------------------|-----------|----------|
| Item #5 | 58900-348 Postal Charges | \$ 500.00 | Decrease |
|         | 58900-599 Other Charges  | \$ 500.00 | Increase |

Reallocate funds for the cost of hosting leadership luncheons.

---

|         |                         |           |          |
|---------|-------------------------|-----------|----------|
| Item #6 | 55120-599 Other Charges | \$ 200.00 | Decrease |
|         | 55120-332 Legal Notices | \$ 200.00 | Increase |

Reallocate funds for the cost of public notices for Animal Shelter Advisory Board.

---

|         |                             |          |          |
|---------|-----------------------------|----------|----------|
| Item #7 | 44170 Miscellaneous Refunds | \$ 39.37 | Decrease |
|         | 51800-454 Water and Sewer   | \$ 39.37 | Increase |

Recognize refund from Chancery Court for erroneous payment of water bill.

---

|         |                                      |           |          |
|---------|--------------------------------------|-----------|----------|
| Item #8 | 44540 Sale of Property               | \$ 228.00 | Decrease |
|         | 55120-413 Drugs and Medical Supplies | \$ 228.00 | Increase |

Recognize revenues from euthanasia specimen sales at Animal Shelter.

---

|         |  |             |          |
|---------|--|-------------|----------|
| Item #9 | 41120 Animal Registration              | \$ 1,940.00 | Decrease |
|         | 55120-399-81 Other Contracted Services | \$ 1,940.00 | Increase |

Reallocate funds received for spay/neuter services.

---

Total \$ 11,992.37 \$ 11,992.37

**OCTOBER TERM 2014**

**Carter County Schools**

**General Fund 141**

**Budget Amendment #2**

**9/11/2014**

|          |                             |    |           |           |          |
|----------|-----------------------------|----|-----------|-----------|----------|
| Item # 1 | 44170 Miscellaneous Refunds |    | \$        | 13,859.13 | Increase |
|          | 71100-449-3030 Textbooks    | \$ | 13,859.13 |           | Increase |

**Recognize grant from Niswonger Foundation for HHS Textbooks.**

---

|          |  |    |          |          |          |
|----------|--|----|----------|----------|----------|
| Item # 2 | 44170 Miscellaneous Refunds                  |    | \$       | 4,142.50 | Increase |
|          | 71100-429 Instructional Supplies & Materials | \$ | 2,000.00 |          | Increase |
|          | 71100-336 Maintenance & Repairs-Equip        | \$ | 2,142.50 |          | Increase |

**Recognize reimbursement from Vision Athena, Inc. for Virtual Field Trips.**

---

|          |                                 |    |           |           |          |
|----------|---------------------------------|----|-----------|-----------|----------|
| Item # 3 | 39000 Undesignated Fund Balance |    | \$        | 59,304.00 | Decrease |
|          | 76100-707 Building Improvements | \$ | 59,304.00 |           | Increase |

**Reallocate funds for completion of fencing projects.**

---

|       |    |           |    |           |
|-------|----|-----------|----|-----------|
| Total | \$ | 77,305.63 | \$ | 77,305.63 |
|-------|----|-----------|----|-----------|



**STATE OF TENNESSEE**  
**COMPTROLLER OF THE TREASURY**  
OFFICE OF STATE AND LOCAL FINANCE  
SUITE 1600 JAMES K. POLK STATE OFFICE BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1402  
PHONE (615) 401-7872  
FAX (615) 741-5986

October 13, 2014

Honorable Leon Humphrey, Mayor  
Board of County Commissioners  
Carter County  
801 Elk Avenue  
Elizabethton, TN 37643

Dear Mayor Humphrey and Commissioners:

This letter should be read into the minutes of the next meeting of the County Commission with a copy provided to each Commissioner.

This letter acknowledges receipt of a certified copy of the 2015 fiscal year budget.

We have reviewed the budget and have determined that projected revenues and other available funds are sufficient to meet anticipated expenditures. Our review of the budget is based solely on the information we have received and is for determining that the budget appears to be balanced. With regard to programs included in the budget such as education, roads, and corrections, we have not attempted to determine that the local government has complied with specific program statutes or guidelines, or with any financing requirements prescribed by any state or federal agency. A property tax rate may be included in this budget, and we would recommend that local government officials be certain that all program requirements have been met before initiating the tax collection process.

This letter constitutes approval, by this office, for the County's 2015 fiscal year budget as adopted by the Governing Body.

**Considerations Concerning the Budget**

The Office of State and Local Finance has determined that the County's budget meets basic statutory requirements, but we have detected deficiencies, outlined below, that could possibly lead to financial problems in the future.

**Fund Balance**

According to the fiscal year 2015 budget for the General Purpose School Fund, the County plans to spend \$38.765 million with revenues of \$38.766 million. The County had a beginning fund balance of \$3.162 million, and if it spends according to the budget, the remaining fund balance is projected to be virtually unchanged. The projected ending fund balance as of the end of fiscal year 2015, however, represents less than one month's average expenditures of \$3.230 million.

OCTOBER TERM 2014

**CARTER COUNTY**  
**Estimated Beginning and Projected Ending Fund Balances**  
**FY 2015 Budget**

| Fund                         | Estimated<br>Beginning<br>Fund Balance<br>July 1, 2014 | Estimated<br>Beginning<br>Fund Balance<br>As % of<br>Total Expenditures | Projected<br>Ending<br>Fund Balance<br>June 30, 2015 | Projected<br>Ending<br>Fund Balance<br>As % of<br>Total Expenditures | Projected<br>FY 2015 Expenditures    |   |
|------------------------------|--|---|--|--|--------------------------------------|---|
|                              |  |   |  |  | 1-Month's<br>Average<br>Expenditures | 1-Month's<br>Average<br>Expenditures<br>As % of<br>Total Expenditures |
| General Purpose School Fund  | \$ 3,161,649   | 8.2%  | \$ 3,162,496   | 8.2%   | \$ 3,230,390                         | 8.3%  |
| School Federal Projects Fund | \$ 19,091  | 1.9%  | \$ 19,091  | 1.9%   | \$ 85,186                            | 8.3%  |

With regard to the fiscal year 2015 budget for the School Federal Projects Fund, the County plans to spend 100% of its expected revenues, and projects the fund's ending balance to remain unchanged at \$19,091. This amount represents less than one month's average expenditures of \$85,186.

At this level of spending, the County may not have the necessary working capital to sustain operations until federal grant money is received. State statutes require the County to maintain a balanced budget on a continuing basis and to only make expenditures if monies have been appropriated and cash is available.

The County Commission and the School Board should review the working capital requirements for the General Purpose School Fund and the School Federal Projects Fund to determine the necessary level of cash needed to sustain its operations. We recommend the County Commission and the School Board use the cash flow analysis statement required by our Office for its enterprise funds to analyze its cash requirements for this fund during fiscal year 2014 and to project those requirements for fiscal year 2015. Please send a copy of the results of the analysis to our Office by November 30, 2014, with recommendations for working capital requirements for each of these funds.

Sincerely,



Sandra Thompson  
Director of the Office of State and Local Finance

Cc: Mr. Jim Arnette, Director of Local Government Audit, COT

**OCTOBER TERM 2014**

561

562

OCTOBER TERM 2014

562

|     |                             | Amount Owed 9/30/14 | Interest Rate | Principal Owed   | Interest Owed   | Total Remaining  | 14-15 Principal Pmts | 14-15 Interest Pmts |
|-----|-----------------------------|---------------------|---------------|------------------|-----------------|------------------|----------------------|---------------------|
| CES | 1. Cloudland \$3.5M         | \$ 629,000.00       | 5%            | \$ 629,000.00    | \$ 47,550.00    | \$ 676,550.00    | \$ 307,000.00        | \$ 31,450.00        |
| UHS | 2. School Projects \$1.024M | \$ 564,892.84       | 3.49%         | \$ 564,892.84    | \$ 70,972.81    | \$ 635,865.65    | \$ 86,262.85         | \$ 19,714.76        |
| CHS | 3. School Projects \$4.5M   | \$ 2,559,041.01     | 5%            | \$ 2,559,041.01  | \$ 1,073,480.72 | \$ 3,632,521.73  | \$ 140,000.00        | \$ 127,952.05       |
|     | 4. Jail Note                | \$ 21,960,000.00    | 3.27%         | \$ 21,960,000.00 | \$ 8,963,656.38 | \$ 30,923,656.38 | \$ 800,000.00        | \$ 726,931.26       |
|     |                             |                     |               |                  |                 | \$ 35,868,593.76 |                      |                     |

| Project Name             | Payoff Date | Amount of Funding in Proposed Budget |
|--------------------------|-------------|--------------------------------------|
| Cloudland \$3.5M         | 5/26/2016   | \$ 344,950.00                        |
| School Projects \$1.024M | 5/22/2020   | \$ 105,977.61                        |
| School Projects \$4.55M  | 5/25/2029   | \$ 284,152.05                        |
| Jail Project \$24.8M     | 6/30/2035   | \$ 1,526,931.26                      |
|                          |             | \$ 37,653,602.87                     |

Payoff:

C.E.S 1) 629,000.00  
307,000.00 (14/15) payment  
# 322,000.00  
307,000.00 (15/16) payment  
# 15000.00 Bal.

UHS 2) # 564,892.00  
# 86,262.00 (14/15) payment

Payoff

\* Interest Saving  
# 51,258.00 (UHS)

(Plan #'s)  
\*\* # 800,000  
# 478,630  
# 321,370.00 Balance \*\*

C.H.S 3) # 2,559,041.00  
# 140,000.00 14/15 payment  
# 2,419,041.00  
# 321,371.00 \*\*\* (Bal. applied to CHS Note)  
# 2,097,671.00 = (New Balance)

\* Interest Saving CHS  
# 22,847.00

Total Interest Saved  
# 51,258.00 UHS  
# 22,847.00 CHS  
# 74,105.00